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INTERNATIONAL LIABILITY FOR INJURIOUS CONSEQUENCES ARISING OUT OF ACTS NOT PROHIBITED BY INTERNATIONAL LAW

Titles and texts of draft articles on the International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law adopted by the Drafting Committee at its forty-seventh session

International Liability for Injurious Consequences arising out of Acts not Prohibited by International Law

Article A [6]

Freedom of action and the limits thereto

The freedom of States to carry on or permit activities in their territory or otherwise under their jurisdiction or control is not unlimited. It must be compatible with any specific legal obligations owed to other States with respect to transboundary harm and with the general obligation with respect to preventing or minimizing the risk of causing significant transboundary harm.

Article B [7]

Cooperation

States concerned shall cooperate in good faith and as necessary seek the assistance of any international organization in preventing or minimizing the risk of significant transboundary harm, and if such harm has occurred, in minimizing its effects both in affected States and in States of origin.

Article C [8 and 9]

Prevention

States shall take all reasonable measures or action necessary to prevent or minimize the risk of significant transboundary harm.

Article D [9 and 10]

Liability and compensation

Subject to the present articles, there is liability for significant transboundary harm caused by an activity referred to in article 1. Such liability shall be met by compensation, financial or otherwise, in accordance with the present articles.